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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,264	05/12/2000	GREGOR SCHWEGLER	2046/48639	3695

7590 03/01/2004

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,264

Applicant(s)

SCHWEGLER, GREGOR

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5-10,12 and 15 is/are allowed.
- 6) ☒ Claim(s) 4,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 4, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (specification, page 2, line 28-page 3, line 36) in view of Ragout, Champleboux et al, Hertzberg, and Maumus et al for the same reasons as expressed in paper no. 20, paragraph 4.

Allowable Subject Matter

3. Claims 2, 3, 5-10, and 15 are allowed.

See paragraph 12 of paper no. 20 for a complete discussion of the reason for allowability of the recited claims previously indicated as allowable. It should be noted that claims 2, 8, 9, and 15 have been made dependent upon previously allowed claim 3 (note that claim 15 depends upon claim 8 which depends upon allowed claim 3). Additionally, note regarding claims 7 that the claim has been amended to recite an end element in which the at least one end terminates has a slot to receive the strips which is not suggested by the prior art of record.

Response to Arguments

4. Applicant's arguments filed January 8, 2004 have been fully considered but they are not persuasive.

The applicant argues that when the prior art is taken as a whole it failed to teach the presently claimed invention and more specifically that "no combination of the disclosures mentioned would result in a reinforcing device for supporting structures including a carbon panel having ends, each end being split into at least two superposed strips of approximately equal

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thickness and end elements in which the ends of the carbon panel terminate as claim 4 requires". The applicant is advised that that the prior art of record taught or suggested that one skilled in the art would have split a carbon panel when making a connection as suggested by Maumus et al or Hertzberg. The references appear to suggest (and in particular Figure 4 of Hertzberg) that one skilled in the art would have provided the split such that the two portions formed were of equal thickness (see Figure 4 of Hertzberg). Additionally, the prior art suggested that the reinforcing panel ends would have been terminated in end elements as suggested by either one of Ragout or Champleboux as depicted with the reinforcement ends terminated in elastomer filler in Champleboux et al in the space 20, see Figure 5, lines 54-59 of column 4 and joint 25 of Ragout, Figure 4, lines 40-44 of column 4. The prior art thus suggested that the carbon panels would have been split in a plane such that the thickness of the plies was equal and additionally further suggested that one skilled in the art at the time the invention was made would have mounted the ends of the panels with end elements. Such would have facilitated the use of the same wherein tension was able to be transmitted to the carbon fiber panels in a useful manner.

Regarding claims 11 and 13, the admitted prior art suggested that it was known to glue the carbon panels to the structure which was intended to be reinforced. The step of gluing was thus known per se. The references to Ragout and Champleboux suggested that one skilled in the art would have split the ends and additionally would have provided the end pieces with end elements which would have been useful in the locking in place of the reinforcing material. The references to Ragout and Champleboux thus suggested the cutting and certainly the bringing of the ends into an arrangement with the end elements. The references to Hertzberg and Maumus suggested that the individual plies would have been formed via a cutting operation and that the

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individual plies would have been separated along the cut lines. Additionally, as noted above, the reference to Hertzberg suggested that the plies would have had equal thickness on either side of the slit. The processing as claimed in claims 11 and 13 was therefore suggested by the prior art when taken as a whole.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
23 February 2004